



**DEPARTMENT OF COMMUNITY DEVELOPMENT
807 East Main Street, Bldg. 2, Suite 2-200
Durham, North Carolina 27701**

REQUEST FOR PROPOSALS

Date of Issue: August 13, 2010

Due Date: September 14, 2010

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

**The City of Durham is requesting proposals from qualified persons or firms
for the preparation of a Analysis of Impediments to Fair Housing Choice**

Respondents Are Not Required To Return This Form.

Wilmur Conyers	Project Manager Name
Federal Programs Coordinator	Project Manager Title
Community Development	Project Manager Department
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TABLE OF CONTENTS

SECTION ONE

Introduction and Instructions

	Page
1.01 Return Mailing Address, Contact Person, Telephone & Fax Numbers, Deadline for Receipt of Proposals	5
1.02 Contract Term & Work Schedule	5
1.03 Purpose of the Request for Proposal (RFP)	6
1.04 Budget	6
1.05 Location of Work	6
1.06 Notice Under the Americans with Disabilities Act (ADA)	6
1.07 Required Review	7
1.08 Questions Received Before Opening of Proposals	7
1.09 Amendments	7
1.10 Alternate Proposals	8
1.11 Right of Rejection	8
1.12 City of Durham Not Responsible for Preparation Costs	8
1.13 Disclosure of Proposal Contents	8
1.14 Subcontractors	8
1.15 Joint Ventures	9
1.16 Respondent's Certification	9
1.17 Conflict of Interest	10
1.18 Confidentiality Policy	10
1.19 Right to Inspect Place of Business	10
1.20 Solicitation Advertising	10
1.21 New Releases	11
1.22 Assignment	11
1.23 Disputes	11
1.24 Severability	11
1.25 Federal Requirements	11
1.26 Equal Business Opportunity Program	11

SECTION TWO

Standard Proposal Information

2.01 Authorized Signature	12
2.02 Pre-proposal Conference	12
2.03 Site Inspection	13
2.04 Amendments to Proposals	13
2.05 Supplemental Terms and Conditions	13
2.06 Discussions with Respondents	13
2.07 Prior Experience	14
2.08 Evaluation of Proposals	14
2.09 Vendor Tax ID	14
2.10 N/A	14

		Page
2.11	City of Durham Business License & Other Required Licenses	14
2.12	Contract Negotiations	15
2.13	Failure to Negotiate	15
2.14	Notice of Intent to Award (NIA)-Responder Notification of Selection	15

SECTION THREE

Standard Contract Information

3.01	Contract Type	16
3.02	Contract Approval	16
3.03	Proposal as a Part of the Contract	16
3.04	Additional Terms and Conditions	16
3.05	Insurance Requirements	16
3.06	Bid Deposit - Performance Bond - Surety Deposit	18
3.07	Proposed Payment Procedures	18
3.08	Contract Payment	18
3.09	Informal Debriefing	18
3.10	Termination for Default	18
3.11	Contract Changes - Unanticipated Amendments	19
3.12	Contract Invalidation	19
3.13	Non-Discrimination Clause	19
3.14	EEO Provisions	19
3.15	Liquidated Damages	20

SECTION FOUR

Background Information

4.01	Background Information	20
------	------------------------	----

SECTION FIVE

Scope and Schedule

5.01	Scope of Work	21
5.02	Deliverables	22
5.03	Work Schedule	22

SECTION SIX

Proposal Format and Content

6.01	Proposal Format and Content	23
6.02	Introduction	23
6.03	Understanding of the Service	23
6.04	Methodology used for the Service	23
6.05	Management Plan for the Service	24

6.06	Experience and Qualifications	24
6.07	Cost Proposal	25
6.08	Evaluation Criteria	25

SECTION SEVEN

Evaluation Criteria and Contractor Selection

7.01	Understanding the Service	25
7.02	Methodology used for the Service	26
7.03	Management Plan for the Service	26
7.04	Experience and Qualifications	27
7.05	Contract Cost	27

SECTION EIGHT

Attachments

8.01	Small and Disadvantaged Business Enterprise (SDBE) forms	28
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Section One

Introduction and Instructions

1.01

Return Mailing Address, Contact Person, Telephone & Fax Numbers, Deadline for Receipt of Proposals

Respondents must submit one (1) original and five (5) copies of their proposal, in writing, to the Department of Community Development in a sealed envelope. The original copy must be signed by an officer who is authorized to bind the Respondent contractually. Also, the name and title of the individual who signed the proposal should be typed immediately below the signature. The proposal must be addressed as set out below.

(Mailing address)
City of Durham
Department: Community Development
Attention: Wilmur Conyers
Analysis of Impediments to Fair Housing Choice
101 City Hall Plaza
Durham, North Carolina 27701

(Delivery Address if submitting in person or via private carrier)
807 East Main Street, Bldg. 2, Suite 2-200
Durham, North Carolina 27701

Proposals must be received no later than 4:00 p.m., on September 14, 2010. Fax proposals and/or oral proposals are not acceptable.

A Respondent's failure to submit their proposal before the deadline will cause their proposal to be disqualified. Late proposals or amendments will not be opened or accepted for evaluation.

1.02

Contract Term & Work Schedule

The contract term and work schedule set out herein represent the City's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will be shifted by the same number of days.

The length of the contract will be from the date of award, approximately November 1, 2010 until the date of completion, approximately March 31, 2011.

The approximate contract schedule is as follows:

[a] Issue RFP: August 13, 2010

- [b] Pre-Proposal Conference: August 31, 2010
- [[c] Receive Proposals: September 14, 2010
- [d] Proposal Evaluation Committee complete evaluation by: September 28, 2010
- [e] Contract Start Date: November 1, 2010
- [f] Contract End Date: March 31, 2010

1.03

Purpose of the Request for Proposal (RFP)

The Department of Community Development is soliciting proposals from qualified persons or firms for the preparation of an Analysis of Impediments to Fair Housing Choice (AI). The City's latest AI was completed in 2006.

1.04

Budget

The funding source for the analysis of impediments is general funds.

1.05

Location of Work

The City WILL NOT provide workspace for the contractor. The contractor must provide its own workspace.

1.06

Notice Under the Americans with Disabilities Act (ADA).

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice 919-560-4197, fax 560-4196, TTY 919-560-1200, or ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the event or deadline date.

1.07

Required Review

Respondents should carefully review this solicitation for defects and questionable or objectionable matter. Comments concerning defects and objectionable material must be made in writing and received by the Purchasing Manager at least ten (10) days before the proposal opening. This will allow issuance of any necessary amendments. It will also help prevent the opening of a defective solicitation and exposure of Respondents proposals upon which award could not be made. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the contracting officer, in writing, at least ten (10) days before the time set for opening.

1.08

Questions Received before Opening of Proposals

All questions must be in writing and directed to the Department of Community Development, Attention: Wilmur Conyers. The interested party must confirm telephone conversations in writing. Questions must be received no later than five (5) days prior to the date for receiving proposals. This will allow for the issuance of any necessary addenda. Questions and answers will be distributed to potential Respondents who have requested RFPs from the City.

Two types of questions generally arise. One may be answered by directing the questioner to a specific section of the RFP. These questions may be answered over the telephone. Other questions may be more complex and may require a written amendment to the RFP. The Department of Community Development will make that decision.

No addenda will be issued by the City after five (5) days prior to the date for receiving proposals. Respondents shall direct any questions that may arise to the City in sufficient time for inclusion in the final addendum. Respondents shall acknowledge receipt of addenda via signature with response to the RFP.

No other City official or employee is empowered to speak for the City with respect to this RFP. Respondents who seek to obtain information, clarification, or interpretation from another City official or employee is advised that such material is used at the Respondent's own risk, and that the City will not be bound by any such representations.

1.09

Amendments

If an amendment is issued, it will be provided to all who were mailed a copy of the RFP.

1.10

Alternate Proposals

Respondents may only submit one proposal for evaluation.

Alternate proposals (proposals that offer something different than what is asked for) will be rejected.

1.11

Right of Rejection

The City of Durham reserves the right to reject any or all proposals at any time with no penalty and to waive immaterial defects and minor irregularities in proposals. Issuance of the "Request for Proposals" does not commit the City to award a contract, to pay any cost incurred in preparation of a proposal to this request, or to procure or contract for service or supplies. The City reserves the right to reject any and all proposals, and to re-advertise.

1.12

City of Durham Not Responsible for Preparation Costs

The City of Durham will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal. Those submitting proposals do so entirely at their expense. There is no expressed or implied obligation by the City to reimburse any individual or firm for any cost incurred in preparing or submitting proposals, providing additional information when requested by the City, or for participating in any selection interviews.

1.13

Disclosure of Proposal Contents

All proposals and other material submitted become the property of the City of Durham. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process and before the time a Notice of Intent to Award is issued. Thereafter, proposals will become public information.

Material considered confidential by the Respondent must be clearly identified and the Respondent must include a brief statement that sets out the reasons for confidentiality. Additionally, the City will not be providing confidential materials during the RFP process.

1.14

Subcontractors

Subcontractors may be used to perform work under this contract. If an offeror intends to use subcontractors, the offeror must identify in their proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

If a proposal with subcontractors is selected, the offeror must provide the following information concerning each prospective subcontractor within five working days from the date of the City's request:

- [a] complete name of the subcontractor,
- [b] complete address of the subcontractor,
- [c] type of work the subcontractor will be performing,
- [d] percentage of work the subcontractor will be providing,
- [e] evidence, as set out in the relevant section of this RFP, that the subcontractor holds a valid City of Durham business license,
- [f] a written Statement, signed by each proposed subcontractor that clearly verifies that the subcontractor is committed to render the services required by the contract.

An offeror's failure to provide this information within the time set may cause the City to consider their proposal non-responsive and reject the proposal.

The substitution of one subcontractor for another may be made only at the discretion of the project manager and with prior written approval from the project manager .

1.15

Joint Ventures

Joint ventures will not be allowed.

1.16

Respondent's Certification

By signature on their proposal, Respondents certify that they comply with,

- [a] the laws of the State of North Carolina,
- [b] the applicable portion of the Federal Civil Rights Act of 1964,
- [c] the Equal Employment Opportunity Act and the regulations issued there under by the federal government,
- [d] the Americans with Disabilities Act of 1990, and the regulations issued there under by the federal government,
- [e] all terms and conditions set out in this RFP,

[f] a condition that the proposal submitted was independently arrived at, without collusion, under penalty of perjury, and

[g] that their offers will remain open and valid for at least 90 days.

By signature on their proposal, Respondents also certify that programs, services, and activities provided to the general public under the resulting contract are in conformance with the Americans with Disabilities Act of 1990, and the regulations issued thereunder by the federal government.

If any Respondent fails to comply with [a] through [g] of this paragraph, the City of Durham reserves the right to disregard the proposal, terminate the contract, or consider the contractor in default.

1.17

Conflict of Interest

Each proposal shall include a statement indicating whether or not the firm or any individual working on the contract has a possible conflict of interest (e.g., employed by the City of Durham) and, if so, the nature of that conflict. The Durham City Council reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the program to be developed by the Respondent. The City Council's determination regarding any questions of conflict of interest shall be final.

1.18

Confidentiality Policy

It is the policy of the City of Durham to hold in strictest confidence any information that might compromise the privacy or identity of any individual or organization where disclosure could place that person or organization at risk for identity theft. We expect the same of the contractors

1.19

Right to Inspect Place of Business

At reasonable times, the City of Durham may inspect those areas of the contractor's place of business that are related to the performance of a contract. If the City makes such an inspection, the contractor must provide reasonable assistance.

1.20

Solicitation Advertising

This solicitation has been advertised in the Carolina Times Newspaper and the Durham Herald-Sun newspaper.

1.21

News Releases

News releases related to this RFP will not be made without prior approval of the Public Information Officer, and then only in coordination with the Project Manager.

1.22

Assignment

The contractor may not transfer or assign any portion of the contract without prior written approval from the Director of the Department of Community Development.

1.23

Disputes

Any dispute arising out of this agreement will be resolved under the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Contract shall be the North Carolina General Court of Justice, in Durham County. Such actions shall neither be commenced in nor removed to federal court.

1.24

Severability

If any provision of the contract or agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and, the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular provision held to be invalid.

1.25

Federal Requirements

The Respondent must identify all known federal requirements that apply to the proposal, scope of services, the evaluation, and/or the contract.

1.26

Equal Business Opportunity Program

It is the policy of the City to provide equal opportunities for City contracting for small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

While there are no SDBE participation goals for this project, in accordance with the Ordinance, all contractors are required to provide information requested in the “SDBE Professional Services Forms” package, which has been included with this Request for Proposals in Section 8. **Proposals that do not contain the appropriate, completed “Professional Services Forms” will be deemed non-responsive and ineligible for consideration.** The “Declaration of Performance,” “Participation Documentation,” Managerial Profile,” “Equal Opportunity Statement” and the “Employee Breakdown” documents are required of all contractors. In lieu of “Employee Breakdown,” contractors may submit a copy of the current EEO-1 form (corporate basis). Other forms in the package should be used as needed.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about “SDBE Professional Services Forms” should be referred to Deborah Giles or other department staff at (919) 560-4180.

SECTION TWO

STANDARD PROPOSAL INFORMATION

2.01

Authorized Signature

An individual authorized to bind the responder to the provisions of the RFP must sign all proposals. Proposals must remain open and valid for at least ninety (90) days from the opening date.

2.02

Pre-Proposal Conference

A pre-proposal conference will be held at 10:00 am on August 31, 2010 in the Department of Community Development’s large conference room located at 807 East Main Street, Building 2, Suite 2-200, Durham, NC 27701. The purpose of the conference is to discuss the work to be performed with the prospective Respondents and allow them to ask questions concerning the RFP. Questions and answers will be transcribed and sent to prospective Respondents as soon as possible after the meeting. Attendance is encouraged but not mandatory.

Firms interested in attending the conference must notify the Project Manager by August 27, 2010.

Respondents with a disability needing accommodation should contact the Project Manager before the date set for the pre-proposal conference so that reasonable accommodation can be made.

2.03

Site Inspection

The City may conduct on-site visits to evaluate the Respondents capacity to perform the contract. Respondents must agree, at risk of being found non-responsive and having their proposal rejected, to provide the City reasonable access to relevant portions of their work sites. Individuals designated by the Purchasing Manager at the City's expense will make site inspection.

2.04

Amendments to Proposals

Amendments to or withdrawals of proposals will only be allowed if acceptable requests are received before the deadline set for receipt of proposals. No amendments or withdrawals will be accepted after the deadline.

2.05

Supplemental Terms and Conditions

Proposals including supplemental terms and conditions will be accepted, but supplemental conditions that conflict with those contained in this RFP or that diminish the City's rights under any contract resulting from the RFP will be considered null and void. The City is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After award of the contract:

- [a] if conflict arises between a supplemental term or condition included in the proposal and a term or condition of the RFP, the term or condition of the RFP will prevail; and
- [b] if the City's rights would be diminished because of application of a supplemental term or condition included in the proposal, the supplemental term or condition will be considered null and void.

2.06

Discussions with Respondents

The City may conduct discussions with Respondents for the purpose of clarification. The purpose of these discussions will be to ensure full understanding of the requirements of the RFP and proposal. Discussions will be limited to specific sections of the RFP identified by the procurement officer. The Project Manager will only hold discussions with Respondents who have submitted a proposal deemed reasonably susceptible for award. Discussions, if held, will be after initial evaluation of proposals by the review committee. If modifications are made because of these discussions, they will be put in writing. Following discussions, the Project Manager may set a time for best and final proposal submissions from those Respondents with whom discussions were held. Proposals may be reevaluated after receipt of best and final proposal

submissions. Re-evaluation will be limited to the specific sections of the RFP opened to discussion by the Project Manager.

Responder's with a disability needing accommodation should contact the Project Manager before the date set for discussions so that reasonable accommodation can be made.

2.07

Prior Experience

In order for their offers to be considered responsive, respondents must demonstrate substantial experience in preparing Analyses of Impediments to Fair Housing Choice. For the purposes of this RFP, "substantial" is defined to mean not less than five (5) years of experience. Respondents must provide third-party contact information for purposes of verifying such experience.

A Respondent's failure to meet these minimum prior experience requirements will cause their proposal to be considered non-responsive and their proposal will be rejected.

2.08

Evaluation of Proposals

The City will use an Evaluation Committee to evaluate all proposals. The evaluation will be based solely on the evaluation factors set out in section seven of this RFP.

2.09

Vendor Tax ID

A valid Federal Tax ID must be submitted to the issuing office with the proposal or within five (5) days of the City's request.

2.10

F.O.B. Point

N/A

2.11

City of Durham Business License & Other Required Licenses

All organizations doing business with the City of Durham are required to comply with all state, local and federal licensing requirements. This includes obtaining a City of Durham business privilege license (if applicable). Firms selected through the RFP process will be required to demonstrate compliance with licensing requirements. All responding firms that are not currently licensed must provide proof of application for licenser and

must obtain all necessary licenses before entering into a contractual agreement with the City of Durham. To obtain a Privilege License, call (919) 560-4700.

2.12

Contract Negotiations

After completion of the evaluation, including any discussions held with responder's during the evaluation, the City may elect to initiate contract negotiations. The option of whether or not to initiate contract negotiations rests solely with the City. If the City elects to initiate contract negotiations, these negotiations cannot involve changes in the City's requirements or the Respondent's proposal, which would, by their nature, affect the basis of the source selection and the competition previously conducted. If contract negotiations are commenced, they will be held at a location to be determined in the City of Durham North Carolina. The Respondent will be responsible for their travel and per diem expenses.

2.13

Failure to Negotiate

If the selected contractor:

- fails to provide the information required to begin negotiations in a timely manner; or
- fails to negotiate in good faith; or
- indicates they cannot perform the contract within the budgeted funds available for the project; or
- after a good faith effort, simply cannot come to terms with the City

the City may terminate negotiations with the contractor initially selected and commence negotiations with the next highest ranked Respondent.

2.14

Notice of Intent to Award (NIA) —Responder Notification of Selection

After the completion of contract negotiations, the Project Manager will issue a written Notice of Intent to Award (NIA) and send copies to all Respondents. The NIA will set out the names and addresses of all Respondents and identify the proposal selected for award. The scores and placement of other Respondents will not be part of the NIA.

SECTION THREE STANDARD CONTRACT INFORMATION

3.01

Contract Type

Service Contract – Analysis of Impediments to Fair Housing Choice (AI)

3.02

Contract Approval

This RFP does not, by itself, obligate the City. The City's obligation will commence when the Durham City Council approves the contract. Upon written notice to the contractor, the City may set a different starting date for the contract. The City will not be responsible for any work done by the contractor, even work done in good faith, if it occurs before the contract start date set by the City.

3.03

Proposal as a Part of the Contract

Part or all of this RFP and the successful proposal may be incorporated into the contract.

3.04

Additional Terms and Conditions

The City reserves the right to add terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluations.

3.05

Insurance Requirements

Contractor shall purchase and maintain insurance coverage for not less than the following:

Commercial General Liability, covering:

- Premises/operations
- Products/completed operations (two years minimum, from project completion)
- Broad form property damage
- Contractual liability
- Independent contractors, if any are used in the performance of this contract
- City of Durham must be named additional insured, and an original of the endorsement to effect the coverage must be attached to the certificate (if by blanket

endorsement, then agent may so indicate in the GL section of the certificate, in lieu of an original endorsement)

- Combined single limit not less than \$1,000,000 per occurrence, with an annual aggregate on not less than \$2,000,000.

Commercial Auto Liability, covering:

- Symbol 1, all vehicles
- Combined single limit of \$1,000,000
- City of Durham must be named additional insured, and an original of the endorsement to effect the coverage must be attached to the certificate (if by blanket endorsement, then agent may so indicate in the AL section of the certificate, in lieu of an original endorsement)

Professional Liability, covering:

- Covering claims arising out of professional advisement / consultation services performed in connection with this contract
- Self-insured retentions/deductibles in excess of \$25,000 must be approved by the City Finance Director
- Combined single limit not less than \$1,000,000 per occurrence; if coverage is only available on claims made basis, then additional coverage requirements may apply, subject to review of City Finance Director

Workers' Compensation Insurance, covering:

- Statutory benefits;
- Covering employees; covering owners partners, officers, and relatives (who work on this contract) (this must be stated on the certificate)
- Employers' liability, \$1,000,000
- Waiver of subrogation in favor of the City of Durham

Insurance shall be provided by:

- Companies authorized to do business in the State of North Carolina
- Companies with Best rating of A-, VII or better.

Insurance shall be evidenced by a certificate:

- Providing notice to the City of not less than 30 days prior to cancellation or reduction of coverage
- Certificates shall be addressed to:
City of Durham, North Carolina
Attention: Finance Director
101 City Hall Plaza
Durham, NC 27701
- The insurance certificate and the additional insured endorsement must be originals and must be approved by the City's Finance Director before Contractor can begin any work under this contract.

3.06

Bid Deposit - Performance Bond - Surety Deposit

Bid Bond

A Bid Deposit will not be required.

Performance Bond

A Performance Bond will not be required.

Surety Deposit

A Surety Deposit will not be required.

3.07

Proposed Payment Procedures

The City will make payments based on a negotiated payment schedule. Each billing must consist of an invoice and progress report. No payment will be made until the Project Manager has approved the progress report and invoice.

3.08

Contract Payment

No payment will be made until the contract is approved by the Durham City Council as applicable, and has been fully executed by all parties. Under no conditions will the City be liable for the payment of any interest charges associated with the cost of the contract.

3.09

Informal Debriefing

When the contract is completed, an informal debriefing may be performed at the discretion of the Project Manager. If performed, the scope of the debriefing will be limited to the work performed by the contractor.

3.10

Termination for Default

If the Project Manager determines that the contractor has refused to perform the work or has failed to perform the work with such diligence as to ensure its timely and accurate completion, the City may, by providing written notice to the contractor, terminate the contractor's right to proceed with part or all of the remaining work.

3.11

Contract Changes - Unanticipated Amendments

During the course of this contract, the contractor may be required to perform additional work. That work will be within the general scope of the initial contract. When additional work is required, the Project Manager will provide the contractor a written description of the additional work and request the contractor to submit a firm time schedule for accomplishing the additional work and a firm price for the additional work. Cost and pricing data must be provided to justify the cost of such amendments.

The contractor will not commence additional work until the Project Manager has secured any required City approvals necessary for the amendment and issued a written contract amendment.

3.12

Contract Invalidation

If any provision of this contract is found to be invalid, such invalidation will not be construed to invalidate the entire contract.

3.13

Non-Discrimination Clause

The City of Durham opposes discrimination on the basis of race and sex and urges all of its contractors to provide a fair opportunity for minorities and women to participate in their work force and as subcontractors and vendors under city contracts.

3.14

EEO Provisions

During the performance of this Contract the Contractor agrees as follows:

- a. The contractor shall not discriminate against any employee or applicant or employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth these provisions.
- b. The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion,

- sex, national origin, political affiliation or belief, age, or handicap.
- c. The contractor shall send a copy of the EEO provisions to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding.
 - d. In the event of the contractor's noncompliance with these EEO provisions, the City may cancel, terminate, or suspend this contract, in whole or in part, and the City may declare the contractor ineligible for further City contracts.
 - e. Unless exempted by the City Council of the City of Durham, the Contractor shall include these EEO provisions in every purchase order for goods to be used in performing this contract and in every subcontract related to this contract so that these EEO provisions will be binding upon such subcontractors and vendors.

3.15

Liquidated Damages

N/A

SECTION FOUR BACKGROUND INFORMATION

4.01

Background Information

The City of Durham has been an entitlement city since 1974. The City receives an annual allocation of Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) funds. The Durham Consortium, consisting of a partnership between the City and County of Durham is an annual recipient of HOME Investment Partnerships Program (HOME) Consortium funds. For fiscal year 2010-2011 the City has been awarded \$2,104,922 in CDBG funds, \$1,361,212 in HOME Consortium funds, and \$85,140 in ESG from the U.S. Department of Housing and Urban Development (HUD). The City's latest AI was completed in 2006. Program details may be found on the City website site: <http://www.durhamnc.gov/departments/comdev/>.

Both the City and County of Durham lie in the heart of the greater North Carolina Piedmont Area. As of 2009, an estimated 225,000 people reside in the City of Durham with an additional 40,000 persons living outside the City limit, bringing the area population to approximately 265,000.

As a part of the Consolidated Plan, the City certifies annually that it will affirmatively further fair housing, which means it will conduct and Analysis of Impediments to Fair Housing Choice (AI) within the jurisdiction, take appropriate actions to overcome the

effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

The scope of the AI is broad. It covers the full array of public and private policies, practices and procedures affecting housing choice. The purpose of the AI is to:

- Serve as the substantive, logical basis of fair housing planning and policy;
- Provide essential and detailed information to policy makers, administrative, housing providers, lenders and fair housing advocates;
- Give a comprehensive review of the City's regulations and administrative policies, procedures, and practices;
- Assess how those regulations affect the location, availability and accessibility of housing, and
- Review conditions, both public and private, affecting fair housing choice.

A Fair Housing Planning Guide detailing the information needed for conducting an AI is available on the HUD website at <http://www.hud.gov/office/fheo/images/fhpg.pdf>.

SECTION FIVE SCOPE OF WORK

5.01

Scope of Work

The Department of Community Development is soliciting proposals for the preparation of an Analysis of Impediments of Fair Housing Choice (AI). A November 1, 2010 start date is proposed for this effort with a tentative completion date of March 31, 2011.

The Consultant will organize and prepare the AI pursuant to HUD guidelines. The AI must be fully compliant with the requirements of the Housing and Community Development Act of 1974. The scope of work includes, but is not limited to the following:

1. An examination of pertinent data including demographic, income, employment and housing data as well as studies that have been completed that relate to fair housing.
2. A review of prior and current activities that propose fair housing, including an assessment of agencies currently providing fair housing programs in the area.
3. An examination of private market issues that relate to the sale or rental of housing, the provisions of brokerage services, mortgage lending, insurance sales and underwriting, property appraisal and property management.
4. An evaluation of public policies and practices which affect the provision of fair housing, including but not limited to public services, planning and zoning laws and decisions, land use regulations, community development policies and

practices, procedures and practices of the local public housing authority and property tax policies.

5. An identification of impediments to fair housing based on the above work as well as proposed methods of correction to address identified impediments. A listing of impediments in order of priority to assist the City in determining further action.
6. Conclusions and recommendations for action, including recommended actions to overcome identified impediments to fair housing choice, milestones, timetables, and measurable results.
7. Revise the final draft of the Analysis of the Impediments to Fair Housing Choice so as to reflect any changes required by the Department of Community Development and /or HUD. Should HUD require revisions to the AI, the Contractor must bring the AI to an acceptable level within the HUD designated time frame. An appropriate retainage will be withheld from the contract amount until the City receives HUD's approval of the Analysis of Impediments to Fair Housing Choice.

5.02

Deliverables

The contractor will be required to provide the following deliverables:

- [a] Submit written progress reports to the Project Manager, as requested.
- [b] Provide one (1) copy of the draft AI in PDF format and one (1) in Word format using Microsoft Office 2007 no later than January 31, 2010.
- [c] Provide one (1) copy of the final draft of the AI in PDF format and one (1) in Word format using Microsoft Office 2007 no later than March 31, 2011.
- [d] Provide one (1) copy of the final HUD approved AI in PDF format and one (1) in Word format using Microsoft Office 2007.

5.03

Work Schedule

The contract term and work schedule set out herein represent the City's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will likely be shifted by the same number of days.

The length of the contract will be from the date of award, approximately November 1, 2010 until completion, approximately March 31, 2011.

SECTION SIX PROPOSAL FORMAT AND CONTENT

6.01

Proposal Format and Content

In order to facilitate the analysis of the responses to this RFP, Repsondents are required to prepare their proposals in accordance with the instructions outlined in this section. Each Respondent is required to submit the proposal in a sealed package. Deviation from these instructions may be considered non-responsive and may be disqualified at the discretion of the City.

Proposals should adequately describe the Respondent's capabilities to satisfy the requirements of this RFP. All parts, figures, and table should be lettered sequentially and clearly labeled including a Table of Contents.

The City discourages lengthy and costly proposals. However, in order for the City to evaluate proposals fairly and completely, Repsondents should follow the format set out herein and provide all of the information requested.

6.02

Introduction

Proposals must include the complete name and address of their firm and the name, mailing address, and telephone number of the person the City should contact regarding the proposal.

Proposals must confirm that the firm will comply with all of the provisions in this RFP, and if applicable, provide notice that the firm qualifies as a City of Durham bidder. Proposals must be signed by a company officer empowered to bind the firm. A Respondent's failure to include these items in their proposals may cause their proposal to be determined to be non-responsive and the proposal may be rejected.

6.03

Understanding of the Service

Respondents must provide a comprehensive narrative statement that illustrates their understanding of the requirements of the project and the project schedule. The summary should contain as little technical jargon as possible and should be oriented toward non-technical personnel. The executive summary should indicate the applicable bid section(s). The executive summary should not include cost quotations.

6.04

Methodology Used for the Service

Respondents must provide a comprehensive narrative statement that sets out the methodology they intend to employ and illustrates how their methodology will serve to accomplish the work and meet the City's service schedule. The Respondents should provide a detailed plan for implementing the services.

6.05

Management Plan for the Service

Respondents must provide a comprehensive narrative statement that sets out the management plan they intend to follow and illustrates how their plan will serve to accomplish the work:

- Service delivery standards
- Problem reporting and resolution procedures

6.06

Experience and Qualifications

Provide a brief company history including how long the company has been in business.

An organizational chart specific to the personnel assigned to accomplish the work called for in this RFP. Illustrate the lines of authority and, designate the individual's responsible and accountable for the completion of each component and deliverable of the RFP.

Provide a narrative description of the organization of the project team.

Provide a personnel roster that identifies each person who will actually work on the contract and provide the following information about each person listed:

- [a] title,
- [b] resume,
- [c] location(s) where work will be performed, and
- [d] itemize the total cost and the number of estimated hours for each individual named above.

Provide reference names and phone numbers for similar projects your firm has completed. Information should include: list of services provided, address, telephone and fax numbers, length of implementation, name of client reference, and name of Project Manager.

6.07

Cost Proposal

Respondent's cost proposals must include an itemized list of all direct and indirect costs associated with the performance of this contract including, but not limited to, total number of hours at various hourly rates, direct expenses, payroll, supplies, overhead assigned to each person working on the project, percentage of each person's time devoted to the project, and profit.

- The contractor will prepare and submit, with monthly remittance, an invoice for payment for fee(s) earned as service provider. (Response to proposal should include a format of contractor's invoice for payment).

6.08

Evaluation Criteria

All proposals will be reviewed to determine if they are responsive. They will then be evaluated using the criteria set out in Section Seven, page 28.

SECTION SEVEN EVALUATION CRITERIA AND CONTRACTOR SELECTION

**THE TOTAL NUMBER OF POINTS USED
TO SCORE THIS CONTRACT IS 100**

7.01

Understanding of the Service—20%

Proposals will be evaluated against the questions set out below.

- [a] How well has the responder demonstrated a thorough understanding of the purpose and scope of the project?
- [b] How well has the responder identified pertinent issues and potential problems related to the project?
- [c] How well has the responder demonstrated that it understands the deliverables the City expects it to provide?
- [d] How well has the responder demonstrated that it understands the City's time schedule and can meet it?
- [e] Adherence to the City's M/WBE program.

7.02

Methodology Used for the Service—15%

Proposals will be evaluated against the questions set out below.

- [a] How well does the methodology depict a logical approach to fulfilling the requirements of the RFP?
- [b] How well does the methodology match and contribute to achieving the objectives set out in the RFP?
- [c] How well does the methodology interface with the time schedule in the RFP?

7.03

Management Plan for the Service—15%

Proposals will be evaluated against the questions set out below.

- [a] How well does the management plan support all of the project requirements and logically lead to the deliverables required in the RFP?
- [b] How well is accountability completely and clearly defined?
- [c] Is the organization of the project team clear?
- [d] How well does the management plan illustrate the lines of authority and communication?
- [e] To what extent does the Responder already have the hardware, equipment, and licenses necessary to perform the contract?
- [f] Does it appear that the Responder can meet the schedule set out in the RFP?
- [g] Has the contractor offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFP?
- [h] Is the proposal practical, feasible, and within budget?
- [i] How well have any potential problems been identified?
- [j] Is the proposal submitted responsive to all material requirements in the RFP?

7.04

Experience and Qualifications—35%

Proposals will be evaluated against the questions set out below.

Questions regarding the personnel.

- [a] Is there a designated person assigned to the project?
- [b] Does the individual have experience on similar projects?
- [c] Is staff accessible and available for daily one-on-one interaction?
- [d] Are resumes complete and do they demonstrate backgrounds that would be desirable for individuals engaged in the work the project requires?
- [e] How extensive is the applicable education and experience of the personnel designated to work on the project.
- [f] How knowledgeable are the Responder's personnel of the local area and how many individuals have worked in the area previously?

Questions regarding the firm:

- [g] How well has the firm demonstrated experience in completing similar projects on time and within budget?
- [h] How successful is the general history of the firm regarding timely and successful completion of projects?
- [i] Has the firm provided letters of reference from previous clients?
- [j] Is firm located within a 60-mile radius of the City of Durham?
- [k] How reasonable are the firm's cost estimates?
- [l] If a subcontractor will perform work on the contract, how well do they measure up to the evaluation used for the Responder?

7.05

Contract Cost—15%

The lowest cost proposal will receive the maximum number of points allocated to cost. The Evaluation Committee will determine the point allocations for cost on the other proposals.

SECTION EIGHT ATTACHMENTS

8.01

Equal Business Opportunity Ordinance

CITY OF DURHAM

SMALL DISADVANTAGED BUSINESS ENTERPRISE

PROFESSIONAL SERVICES FORM



Equal Opportunity/ Equity Assurance Department

Mailing Address:

101 City Hall Plaza
Durham, North Carolina 27701

Street Address:

302 E. Pettigrew Street, Suite C-180
Durham, North Carolina 27701

Phone: (919) 560-4180

Facsimile: (919) 560-4513

CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

Policy Statement

It is the policy of the City to provide equal opportunities for City contracting to small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

Goals

To increase the dollar value of all City contracts for goods and services awarded to small disadvantaged business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of socially and economically disadvantaged individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall establish project specific goals for each project or contract based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

Equal Business Opportunity Ordinance SDBE Participation Documentation

If applicable information is not submitted with your proposal, your proposal will be deemed non-responsive.

Declaration of Performance must be completed and submitted with your proposal.

SDBE Participation Documentation must be used to document participation of Small Disadvantaged Business Enterprise (SDBE) on Professional Services projects. All SDBEs must be certified by the City of Durham's Equal Opportunity/Equity Assurance Department prior to submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

Managerial Profile must be used to list the managerial persons in your workforce who will be participating in this project.

Equal Employment Opportunity Statement for your company must be completed and submitted with your proposal.

Employee Breakdown must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

Letter of Intent to Perform as a Sub-consultant/Subcontractor must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal.

Post Proposal Submission SDBE Deviation

Post proposal submission SDBE deviation participation documentation must be used to report and deviation from SDBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

SDBE Goals Not Met/Documentation of Good Faith Efforts

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase SDBE participation such that the amounts subcontracted are consistent with the established goals.

SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES

Goal

The purpose is to provide Small Disadvantaged Businesses equal opportunities for participation on City of Durham contracts.

Definition of the Scope of the Selection Policy

The Equal Opportunity/Equity Assurance Director shall establish SDBE participation goals for each contract to be awarded by the City. Project specific goals for each project or contract will be based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

Small Disadvantaged Business Proposal Requirements

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's Request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services SDBE Forms.

Selection Committee for Professional Services

A selection committee shall be established to be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equal Opportunity/Equity Assurance Director and Purchasing Manager. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractor, SDBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. SDBE Participation; and
12. Documentation of Good Faith efforts.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

Contract Award

A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.

Project Evaluation

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

DECLARATION OF PERFORMANCE BY CONSULTANT/CONTRACTOR

Briefly address each of the following items:

1. A brief synopsis of the company and the products/services it provides:

2. Describe the normal procedure used on a bid of this type, giving the flow of purchase from the company to the ultimate purchaser:

3. List anyone outside of your company with whom you will contract on this bid:

The undersigned consultant/contractor certifies that: (check appropriate box)

- a) _____ It is the normal business practice of the consultant/contractor to perform all elements of the contract with its own workforce without the use of subcontractors/vendors; and

- b) _____ That the above documentation demonstrates this *firm's* capabilities to perform all elements of the contract with its own work force or without the use of subcontractors/vendors.

- c) _____ The vendor/contractor will use a subconsultant(s) in the fulfillment of this scope of work.

Date

Authorized Signature

**PARTICIPATION DOCUMENTATION
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)**

Names of all firms (including prime and sub consultants/ Sub contractors)	Location	SDBE Firm Yes/No	Nature of Participation	% of Project Work

TOTAL: _____

Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

Signature - Authorized Officer of Prime Consultant/Contractor Firm

Date

MANAGERIAL PROFILE

Name of Firm: _____

Contact Person: _____

Title: _____

Address: _____

Telephone No.: _____

Date: _____

List the managerial persons in your work force who will be participating in this project, including name, position, and whether the individuals are minority or woman within the definition* of the City of Durham's Equal Business Opportunity Ordinance.

Managerial Employees

NAME	POSITION	SOCIALLY/ECONOMICALLY DISADVANTAGED* (YES/NO)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* M-Minority (African American), W-Woman, Other-H-Hispanic, AI-American Indian, AS-Asian American, Handicapped

EQUAL OPPORTUNITY STATEMENT

(You may submit your organization's EEO policy in lieu of this sheet)

EMPLOYEE BREAKDOWN

Part A – Employee Statistics for the Primary Location

MALES

FEMALES

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

Part B – Employee Statistics for the Consolidated Company (*See instructions for this form on whether this part is required.*)

MALES

FEMALES

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

EEO-1 Report may be submitted in lieu of this form

Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a SDBE:

Minority (African American) • Woman • Hispanic •
American Indian • Asian American • Handicapped •

The SDBE status of the undersigned is certified by the City of Durham as identified by the attached copy of certification or the attached SDBE Contractor Identification List supplied by the EO/EA Department.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The undersigned will subcontract _____% of the dollar value of this contract to a SDBE subconsultant/subcontractor and/or non-SDBE subconsultant/subcontractor.

The undersigned will enter into a formal agreement in the amount of \$_____ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name _____ Title _____

Company _____ Telephone _____

Address _____

Signature _____

REQUEST TO CHANGE SDBE PARTICIPATION

Project: _____

Name of bidder or consultant: _____

Name and title of representative bidder or consultant: _____

Address (including zip code): _____

Telephone number: _____ Fax number: _____

Email address: _____

Total amount of original contract, before any change orders or amendments: _____

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: _____

Dollar amount of changes proposed in this form: _____

The proposed change (*check one*) ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/consultant's contract with the City.

Does the proposed change decrease the SDBE participation? (*check one*) ☐ **yes** ☐ **no**

If the answer is **yes**, complete the following:

BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):

Name of subconsultant: _____

Goods and services to be provided before this proposed change: _____

Is it proposed to eliminate this subcontract? ☐ yes ☐ no

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*):

Dollar amount of this subcontract before this proposed change: _____

Dollar amount of this subcontract after this proposed change: _____

This subconsultant is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified Women-owned SDBE
- ☐ 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as:
3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

BOX B. Proposed subcontracts other than the subcontract described in Box A above

Name of subcontractor for the new work: _____

Goods and services to be provided by this proposed subcontract: _____

Dollar amount proposed of this proposed subcontract: _____

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- ☐ 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as:
 - 3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

Add additional sheets as necessary.

SDBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage SDBEs along with other criteria that the City Manager deems proper:

Name of Bidder: _____
*If you find it helpful, feel free to attach pages to explain your answers. **How many pages is your firm attaching to this questionnaire?** _____ (Don't count the 2 pages of this questionnaire.)*

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

1. SOLICITING SDBEs.

(a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scopes of work of the contract? ☐ **yes** ☐ **no**

(b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

(d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**

(e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

(f) Did your firm follow up with SDBEs that showed interest? ☐ **yes** ☐ **no**

(g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them:

- (i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**
- (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**
- (iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected.

ANSWER:

3. NEGOTIATION.

In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted?

ANSWER:

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting.

ANSWER:

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific.

ANSWER:

4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance? ☐ **yes** ☐ **no**

(Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** If **yes**, describe your firm's efforts.

ANSWER:

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors?

☐ **yes** ☐ **no** If **yes**, describe.

ANSWER:

5. GOODS AND SERVICES. What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work?

ANSWER:

6. USING OTHER SERVICES.

(a) Did your firm use the services of the City to help solicit SDBEs for the work?

☐ **yes** ☐ **no** Please explain.

ANSWER:

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work?

☐ **yes** ☐ **no** Please explain.

ANSWER: